Listing Of Claims:

This listing of claims will replace all prior versions, and listings, of claims in this application:

1. (Currently Amended) An intermediate release nicotinic acid formulation in a once per day oral dosage form ~~suitable for oral administration once a day as a single dose~~ for treating hyperlipidemia without causing treatment limiting hepatotoxicity and treatment limiting elevations in uric acid or glucose levels or both ~~drug induced hepatotoxicity~~ to a level which would require use of said ~~intermediate release nicotinic acid~~ formulation to be discontinued, said ~~intermediate release nicotinic acid~~ formulation exhibiting an *in vivo* stair-stepped absorption profile when a convoluted plasma curve for nicotinic acid released from ~~the intermediate release nicotinic acid~~ said formulation is deconvoluted using the Wagner-Nelson method, wherein the stair-stepped absorption profile is generally characterized by three phases in which

up to about 19% of the nicotinic acid dose administered is absorbed between about 1 and about 4 hours following ingestion at the end of the first phase;

between about 78% and about 100% of the nicotinic acid dose administered is absorbed between about [[4]] 5 and about [[8]] 9 hours following ingestion at the end of the second phase; and

between about 86% and about 100% of the nicotinic acid dose is absorbed ~~between about 5 and~~ by about 9 hours following ingestion ~~at the end of~~ during the third phase.

2. (Currently Amended) [[An]] The intermediate release nicotinic acid formulation of claim 1, wherein the nicotinic acid absorption mean for the first and second ~~three~~ phases is:

about 6% of the nicotinic acid dose administered is absorbed at about 2.3 hours following ingestion at the end of the first phase; and

at least about 91% of the nicotinic acid dose administered is absorbed at about 7.3 hours following ingestion at the end of the second phase.

3. (Currently Amended) An intermediate release nicotinic acid formulation in a once per day oral dosage form ~~suitable for oral administration once-a-day as a single dose~~ for treating hyperlipidemia without causing treatment limiting hepatotoxicity and treatment limiting elevations in uric acid or glucose levels or both ~~drug-induced hepatotoxicity~~ to a level which would require use of said ~~intermediate release nicotinic acid~~ formulation to be discontinued, said ~~intermediate release nicotinic acid~~ formulation exhibiting an *in vivo* stair-stepped absorption profile when a convoluted plasma curve for nicotinic acid released from ~~the intermediate release nicotinic acid~~ said formulation is deconvoluted using the Wagner-Nelson method, wherein the stair-stepped absorption profile is generally characterized by three phases in which

nicotinic acid is absorbed at a rate of up to about 9% of the nicotinic acid dose administered per hour between about 1 and about 4 hours following ingestion at the end of the first phase; ~~and~~

nicotinic acid is absorbed at a rate of between about 14% and about 26% of the nicotinic acid dose administered per hour between about 5 and about 9 [[8]] hours following ingestion at the end of the second phase; and

the remainder, if any, of the nicotinic acid dose administered is absorbed during the third phase.

4. (Currently Amended) [[An]] The intermediate release nicotinic acid formulation of claim 3, wherein the nicotinic acid absorption rate mean for the first and second phases is:

about 3% of the nicotinic acid dose administered per hour at about 2.3 hours following ingestion at the end of the first phase; and

about 19% of the nicotinic acid dose administered per hour at about 7.3 hours following ingestion at the end of the second phase.